

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH CAPECE

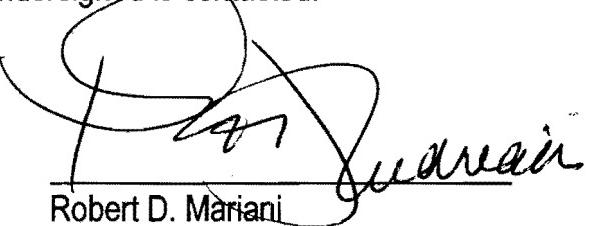
Plaintiff :
v. : 3:12-CV-1542
: (JUDGE MARIANI)
HESS MASCHINENFABRIK GmbH &
CO. KG :
Defendant :

ORDER

AND NOW, THIS 20TH DAY OF MARCH, 2015, upon consideration of Defendant Hess
Maschinenfabrik GmbH &Co.KG's Motion for Summary Judgment (Doc. 29) and all accompanying
briefs, IT IS HEREBY ORDERED THAT:

1. Defendant's Motion for Summary Judgment (Doc. 29) is **GRANTED IN PART AND DENIED IN PART**; to wit:
 - a. The motion is **DENIED** as to Count I, Count II, and Plaintiff's breach of express warranty claim in Count III.
 - b. The motion is **GRANTED** as to Plaintiff's breach of implied warranty claim in Count III.
2. A telephone scheduling conference will be held on **Friday, April 3, 2015, at 2:00 p.m.**

Counsel for Plaintiff is responsible for arranging the call to (570) 207-5750, and all parties should be ready to proceed before the undersigned is contacted.


Robert D. Mariani
United States District Judge